



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes BOARD OF ZONING APPEALS

*James A. Mills, Ward 3, Chairman*  
*J. K. Lowman, Ward 2, Vice Chairman*  
*Brad N. Leskoven, Ward 1*  
*David Hunter, Ward 4*  
*Ronald Clark, Ward 5*  
*Bobby Van Buren, Ward 6*  
*Justice Barber, Ward 7*

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Monday, June 29, 2015

6:00 PM

City Hall Council Chambers

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*Present: James Mills, J. K. Lowman, Brad N. Leskoven, Ronald Clark, David Hunter, and Bobby VanBuren*

*Absent: Justice Barber*

*Staff:*

*Rusty Roth, Planning & Zoning Manager*

*Jasmine Chatman, Planner*

*Daniel White, City Attorney*

*Ines Embler, Secretary to the Board*

### CALL TO ORDER:

*Mr. Mills called the June 29, 2015 meeting of the Board of Zoning Appeals to order at 6:05PM.*

### MINUTES:

#### 20150560 April 27, 2015 Board of Zoning Appeals Meeting Minutes

#### Review and Approval of the April 27, 2015 Board of Zoning Appeals Meeting Minutes.

*Mr. Hunter made a motion, seconded by Mr. Lowman that the April 27, 2015 Board of Zoning Appeals meeting minutes be approved. The Motion carried 4-0-2. Mr. Mills and Mr. Clark abstained.*

**A motion was made by Board member Hunter, seconded by Board member Lowman, that this Minutes be Approved and Finalized. The motion CARRIED by the following vote.**

**Absent: 1**

**Vote For: 4**

**Abstain: 2**

**VARIANCES:****20150445      V2015-26 [VARIANCE] STERLING COLEMAN - ZAXBY'S (BRIAN TROTTER)**

**V2015-26 [VARIANCE] STERLING COLEMAN - ZAXBY'S (BRIAN TROTTER) is requesting a variance for property located in Land Lot 08060, District 17, Parcel 0060, 2nd Section, Marietta, Cobb County, Georgia and being known as 2205 Cobb Parkway South. Variance to allow the use of metal siding on the front and side of a building facing a roadway. Ward 1A.**

*A public meeting was held.*

*Mr. Brian Trotter, the applicant, presented a request for a variance to allow the use of metal siding on the front and side of a building facing a roadway in order to comply with Zaxby's new company wide branding element.*

*Mr. Leskoven asked if the only metal was on the silo itself and Mr. Trotter replied affirmatively and proceeded to show pictures of other Zaxby's locations who currently have the silo on their buildings.*

*There was no opposition to this variance.*

*The public hearing was closed.*

*A motion was made by Mr. Leskoven to grant the application on the basis that it would not be detrimental or injurious to the property or the improvements in the vicinity of the development or to the public health, safety or general welfare. It was seconded by Mr. Lowman. The motion carried 6-0-0*

**A motion was made by Board member Leskoven, seconded by Board member Lowman, that this variance be Approved as Stipulated. The motion CARRIED by the following vote.**

**Absent:     1**

**Vote For:   6**

**20150452      V2015-27 [VARIANCE] COBB COUNTY (ISIAH BATTLE)**

**V2015-27 [VARIANCE] COBB COUNTY (ISIAH BATTLE) is requesting a variance for property located in Land Lot 00670, District 17, Parcel 0010, 2nd Section, Marietta, Cobb County, Georgia and being known as 1150 Powder Springs Street. Variance to allow an accessory structure (ATM) closer to the right of way than the principal structure. Ward 2B.**

*A public meeting was held.*

*Mr. Isiah Battle, the applicant, presented a request for a Variance to allow an accessory structure (ATM) closer to the right of way than the principal structure for*

*safety and visibility to customers that will utilize the ATM.*

*Mr. Leskoven asked for clarification as to what exactly they are proposing and Mr. Battle explained and said that they would be replacing the trees that are being removed.*

*Mr. Lowman asked for confirmation that security lighting will be more than adequate and Mr. Battle affirmed.*

*There was no opposition to this variance.*

*The public hearing was closed.*

*A motion was made by Mr. Lowman to grant the application with the stipulation that a new planter island provided at a minimum of 125 square feet provided with (2) trees planted, with a 3" caliper and the remaining area shall be landscaped with appropriate materials, on the basis that it would not be detrimental or injurious to the property or the improvements in the vicinity of the development or to the public health, safety or general welfare. It was seconded by Mr. Van Buren. The motion carried 6-0-0.*

**A motion was made by Board member Lowman, seconded by Board member Van Buren, that this variance be Approved as Stipulated. The motion CARRIED by the following vote.**

**Absent: 1**

**Vote For: 6**

**20150459**

**V2015-28 [VARIANCE] KELLY TYMUS**

**V2015-28 [VARIANCE] KELLY TYMUS is requesting a variance for property located in Land Lot 11600, District 16, Parcel 0290, 2nd Section, Marietta, Cobb County, Georgia and being known as 287 North Forest Avenue. Variance to increase the maximum height of a fence from 6 ft. to 8 ft. in the rear yard along a street frontage. Ward 3A.**

*A public meeting was held.*

*Ms. Kelly Tymus, the applicant, presented a request for a variance to increase the maximum height of a fence from 6 ft. to 8 ft. in the rear yard along a street frontage in order to have a noise buffer from North Marietta Parkway traffic.*

*The Board Members asked questions about the current fence location, future status, maintenance and aesthetics. Ms. Tymus answered their questions stating that she would not be opposed to taking the fence down and affirmed that she was aware that the City code requires the finished side of the fence to be on the street side.*

*There was no opposition to this variance.*

*The public hearing was closed.*

*A motion was made by Mr. Mills to grant the application with the stipulation that there can only be one (1) fence, on the basis that it would not be detrimental or injurious to the property or the improvements in the vicinity of the development or to the public health, safety or general welfare. It was seconded by Mr. Leskoven. The motion carried 6-0-0.*

A motion was made by Board member Mills, seconded by Board member Leskoven, that this variance be Approved as Stipulated. The motion CARRIED by the following vote.

Absent: 1

Vote For: 6

20150494

**V2015-30 [VARIANCE] CARY EISEN**

**V2015-30 [VARIANCE] CARY EISEN is requesting variances for property located in Land Lot 12140, District 16, Parcel 1230, 2nd Section, Marietta, Cobb County, Georgia and being known as 32 Ayers Avenue. Variance to reduce minimum rear yard setback from 35 ft. to 15.8'; variance to reduce minimum side yard setback from 15 ft. to 4.9'. Ward 1A.**

*A public meeting was held.*

*Mr. Cary Eisen the applicant, presented a request for a variance to reduce minimum rear yard setback from 35 ft. to 15.8'; Variance to reduce minimum side yard setback from 15 ft. to 12.3' in order to expand the business.*

*Mr. Hunter asked about the depth of the building in relation to the neighbor's building and Mr. Eisen was not aware of the exact dimensions, but stated that he believes his neighbor is 5-6 feet from the property line and his property is 12 ½ feet from the property line on the rear setback.*

*Mr. Leskoven asked if there would be plenty of room for vehicle access to the dumpster if it is moved to the back, and Mr. Eisen affirmed and explained how it would be accessible.*

*There was no opposition to this variance.*

*The public hearing was closed.*

*A motion was made by Mr. Leskoven to grant the application with the stipulation that the dumpster to be relocated from the front yard to an area to the side or rear, on the basis that it would not be detrimental or injurious to the property or the improvements in the vicinity of the development or to the public health, safety or general welfare. It was seconded by Mr. Clark. The motion carried 6-0-0.*

A motion was made by Board member Leskoven, seconded by Board member Clark, that this variance be Approved as Stipulated. The motion CARRIED by the following vote.

Absent: 1

Vote For: 6

20150495

**V2015-31 [VARIANCE] ROBERT HEMBY**

**V2015-31 [VARIANCE] ROBERT HEMBY requesting a variance for property located in Land Lot 00690, District 17, Parcel 0220, 2nd Section,**

**Marietta, Cobb County, Georgia and being known as 736 Chestnut Hill Road. Variance to allow an accessory structure closer to the right of way than the principal structure. Ward 2B.**

*A public meeting was held.*

*Mr. Robert Hemby, the applicant, presented a request for a variance to allow an accessory structure closer to the right of way than the principal structure to document that it was previously there, original to the house.*

*There was no opposition to this variance.*

*The public hearing was closed.*

*A motion was made by Mr. Lowman to grant the application on the basis that it would not be detrimental or injurious to the property or the improvements in the vicinity of the development or to the public health, safety or general welfare. It was seconded by Mr. Clark. The motion carried 6-0-0.*

**A motion was made by Board member Lowman, seconded by Board member Clark, that this variance be Approved and Finalized . The motion CARRIED by the following vote.**

**Absent: 1**

**Vote For: 6**

**20150496**

**V2015-32 [VARIANCE] LIFE COLLEGE (CROY ENGINEERING)**

**V2015-32 [VARIANCE] LIFE COLLEGE (CROY ENGINEERING) requesting a variance for property located in Land Lot 05010, District 17, Parcel 0110, 2nd Section, Marietta, Cobb County, Georgia and being known as 1135 Barclay Circle. Variance to reduce the required number of parking spaces from 307 to 174. Ward 1A.**

*A public meeting was held.*

*Mr. Michael Joseph of Croy Engineering, representing the applicant, presented a request for a Variance to reduce the required number of parking spaces from 307 to 174 in order to build new dorms.*

*The Board members asked questions about the parking ratios, permits and guest spots and Mr. Joseph answered the questions satisfactorily stating that the proposed new spaces would be sufficient; and that the campus is very pedestrian friendly. He also stated that the university has the means to control the parking situation should the need arise.*

*There was no opposition to this variance.*

*The public hearing was closed.*

*A motion was made by Leskoven to grant the application on the basis that it would not be detrimental or injury to the property or the improvements in the vicinity of*

*the development or to the public health, safety or general welfare. It was seconded by Mr. Hunter. The motion carried 6-0-0.*

**A motion was made by Board member Leskoven, seconded by Board member Hunter, that this variance be Approved and Finalized. The motion CARRIED by the following vote.**

**Absent: 1**

**Vote For: 6**

**ADJOURNMENT:**

*The June 29, 2015 meeting of the Board of Zoning Appeals was adjourned at 6:41PM.*

  
JAMES (JIM) MILLS, CHAIRMAN

  
INES EMBLER, SECRETARY